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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,282	03/15/2004	Robert J. Skelly	WGH2404	1281
44088	7590	08/05/2005	EXAMINER	
SEAN KAUFHOLD			DZIERZYNSKI, EVAN P	
P. O. BOX 89626			ART UNIT	
SIOUX FALLS, SD 57109			PAPER NUMBER	

2875

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/800,282

Applicant(s)

SKELLY ET AL.

Examiner

Evan Dzierzynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____                                                 |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/15/2004</u> .                                                           | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION**

***Claim Objections***

Claim 3 is objected to because it lacks antecedent basis to "said front side".

Claim 9 is objected to because it does not end in a period. Appropriate correction is required.

***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference number 5 mentioned in the description. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

Claims 1, 2, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simo (US Pat 5,560,113) in view of Perkins (US Pat 6,397,483). Simo teaches a lighted bow sight assembly for positioning on a bow adjacent to a handle of the bow, fig 1 items 11 and 12. Simo's assembly comprises: a loop member 19 defining a sight

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window. The loop member including a first side wall, a second side wall, a top wall, and a bottom wall, the first side wall having an inner surface facing the second side wall and an outer surface facing away from the inner surface, fig 1 items 20-22. Simo also teaches a mounting assembly adapted for removably attaching the loop member to the bow, see items 32 and 17. Simo discloses a plurality of elongated containers, 23, 123(a-e); each of the containers being attached to and extending away from the inner surface of the first side wall and toward the second side wall, each of the containers defining a sight pin (23), each of the containers comprising a substantially transparent material 151, a light source being mounted in the loop member 153a. Simo fails to teach a plurality of fiber optic cables being in connection with a light source such that the fiber optic cables are illuminated when the light source is turned on.

Perkins teaches a plurality of light emitting sight elements being comprised of fiber optic material located along a sight side of the elongated containers (45) that are configured to emit light.

It would have been obvious for one of ordinary skill in the art to modify Simo's bow sight assembly with the plurality of fiber optic cables provided by Perkins because fiber optic cables are much thinner than wires used with an LED light source, which makes the sight pins thinner. Having thinner sight pins is beneficial because there is less obstruction of view by the sight pins when looking at a target.

As per claim 2, Simo discloses a lighted bow sight assembly wherein the first side wall 31 includes a front side and a back side. The mounting assembly attaching the

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loop member to the bow (fig 1) such that the front side is adjacent to and generally aligned with a forward side of the bow 12.

Regarding claim 7, Simo discloses a lighted bow sight assembly, further including an actuator being operationally coupled to the light source for selectively turning the light source on or off, the actuator (column 5, line 50+) is selectively mounted to the bow adjacent to the mounting assembly.

Claims 1, 3-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meicke (US Pat 5720270) in view of Simo and Perkins. In regard to claim 1, Meicke teaches a lighted bow sight assembly for positioning on a bow adjacent to a handle of the bow. Meicke's assembly comprises: a loop member 10 defining a sight window. The loop member includes a first side wall, a second side wall, a top wall, and a bottom wall, the first side wall having an inner surface facing the second side wall and an outer surface facing away from the inner surface, fig 1. Meicke also teaches a mounting assembly 16, 40 adapted for removably attaching the loop member to the bow. Meicke discloses a plurality of elongated containers, 14; each of the containers being attached to and extending away from the inner surface of the first side wall and toward the second side wall, each of the containers defining a sight pin 14.

Meicke fails to teach a light source, and sight pins comprised of substantially transparent material and fiber optic cables. Simo, however, teaches a light source and sight pins 151 that are made of substantially transparent material. It would have been obvious to take Meicke's assembly and combine transparent sight pins disclosed by

Simo. The motivation for using transparent sight pins is to allow illumination for low light situations.

In addition, the fiber optic cables by Perkins can be turned on and off by an activator button 91. It would have been obvious for one of ordinary skill in the art to combine the cables of Perkins with the assembly of Meicke because of the space saved in the sight loop by using fiber optic cables.

In regard to claim 3, Meicke discloses a bow sight assembly fig 1 wherein the mounting assembly fig 2 includes a ridge 44 being attached to and extending between the first and second ends of the peripheral wall of the elongated member 42, the ridge being positioned opposite of the first channel 32; a bracket 16 adapted for being removably coupled to a lateral side wall of the bow such that the bracket has a free end 34 extending forward of the bow fig 3, the free end having a second channel positioned therein, wherein the channel 32 may selectively receive the ridge 44 and may be selectively positioned along a length of the ridge. Meicke fails to teach a ridge being extending along a length of the front side of the first side wall that is attached to an elongated member. It would have been obvious for one of ordinary skill in the art to use the same style of ridge disclosed by Meicke for the edge of the sight attached to the elongated member because doing so would allow the user to assemble the sight more quickly than one could by using screws and bolts.

As per claim 4, Meicke discloses a fastener 74, being selectively extendable into item 58 for releasably locking item 56 into the bracket 42. Meicke's version of a

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fastener for this particular part of the sight uses a shoulder nut 54 and screws 64 instead of the fastener described by the applicant's claim.

It would have been obvious for one of ordinary skill in the art to modify Meicke and use his disclosure of a tongue and groove arrangement for locking applicant's first ridge into a first channel since Meicke had already disclosed this type of fastener in fig 2.44 and 2.32.

As for claims 5 and 6, Meicke discloses coupler 40 that is selectively extendable into the bracket for releasably locking the second ridge 44 in the second channel 32.

In regard to claim 8 Simo teaches an actuator being operationally coupled to the light source for selectively turning the light source on or off (column 5 line 50 +), this actuator is selectively mounted to the bow adjacent to the mounting assembly 18. It would have been obvious for one of ordinary skill in the art to combine an actuator of Simo with the bow of Meicke in order to give the user the ability to turn the lighted bow sight on and off.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meicke in view of Simo and Perkins. Simo teaches a lighted bow sight assembly for positioning on a bow adjacent to a handle of the bow, fig 1 items 11 and 12. Simo's assembly comprises: a loop member 19 defining a sight window. The loop member including a first side wall, a second side wall, a top wall, and a bottom wall, the first side wall having an inner surface facing the second side wall and an outer surface facing away from the inner surface, fig 1 items 20-22. Simo also discloses a lighted bow sight assembly wherein the first side wall 31 includes a front side and a back side. The mounting

assembly attaching the loop member to the bow (fig 1) such that the front side is adjacent to and generally aligned with a forward side of the bow 12.

Meicke discloses a bow sight assembly fig 1 wherein the mounting assembly fig 2 includes a ridge 44 being attached to and extending between the first and second ends of the peripheral wall of the elongated member 42, the ridge being positioned opposite of the first channel 32; a bracket 16 adapted for being removably coupled to a lateral side wall of the bow such that the bracket has a free end 34 extending forward of the bow fig 3, the free end having a second channel positioned therein, wherein the channel 32 may selectively receive the ridge 44 and may be selectively positioned along a length of the ridge. Meicke fails to teach a ridge extending along a length of the front side of the first side wall that is attached to an elongated member. It would have been obvious for one of ordinary skill in the art to use the same style of ridge disclosed by Meicke for the edge of the sight attached to the elongated member because doing so would allow the user to assemble the sight more quickly than one could by using screws and bolts.

Meicke discloses coupler 40 that is selectively extendable into the bracket for releasably locking the second ridge 44 in the second channel 32.

Simo discloses a plurality of elongated containers, 23, 123(a-e); each of the containers being attached to and extending away from the inner surface of the first side wall and toward the second side wall, each of the containers defining a sight pin (23), each of the containers comprising a substantially transparent material 151, a light source being mounted in the loop member 153a. Simo fails to teach a plurality of fiber



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optic cables being in connection with a light source such that the fiber optic cables are illuminated when the light source is turned on.

Perkins teaches a plurality of light emitting sight elements being comprised of fiber optic material located along a sight side of the elongated containers (45) that are configured to emit light.

It would have been obvious for one of ordinary skill in the art to modify Meicke's bow sight assembly with the plurality of fiber optic cables provided by Perkins for the reasons discussed above.

Simo teaches an actuator being operationally coupled to the light source for selectively turning the light source on or off (column 5 line 50 +), this actuator is selectively mounted to the bow adjacent to the mounting assembly 18. It would have been obvious for one of ordinary skill in the art to combine an actuator of Simo with the bow of Meicke in order to give the user the ability to turn the lighted bow sight on and off.

### ***Conclusion***

Applicants are reminded that any response to this Office action must be signed by all inventors. Alternatively, two of the inventors may give power of attorney to the third, who may then conduct correspondence for all parties.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan Dzierzynski whose telephone number is 571-272-2336. The examiner can normally be reached from 7-3:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached at 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Evan Dzierzynski

7/27/2005

  
RENEE LUEBKE  
PRIMARY EXAMINER